FINAL

LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, September 20, 2023, 7:00 p.m.
Council Chambers
Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT:	Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook
MEMBERS ABSENT:	
STAFF PRESENT:	City Manager Shaun Mulholland, Deputy Director of Planning & Development Tim Corwin, Airport Director Carl Gross

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1. **CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE:** Councilor Heistad led the Council in the Pledge.
   - City Manager Shaun Mulholland announced the meeting criteria for the public.

3. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

4. **OPEN TO PUBLIC:**
   - **Councilor Simon informed the Council that he will be submitting an agenda item request for a discussion by the Council to create a TIF District in the West Lebanon Business District.**

5. **RECOGNITIONS:**
   - **RESOLUTION HONORING BEAUTIFICATION PROJECT SPONSORS**

WHEREAS, the City of Lebanon recognizes the importance of creating and maintaining beautiful public spaces for the benefit and enjoyment of its residents and visitors; and

WHEREAS, beautification projects aimed at enhancing public spaces in downtown Lebanon and along Main Street in West Lebanon were initiated; and

WHEREAS, these beautification projects have greatly improved the aesthetics and overall ambiance of our community, fostering a sense of pride and well-being among the citizens; and

WHEREAS, the success of these projects would not have been possible without the generous support of these sponsors, Advance Transit, Alice Peck Day Memorial Hospital, Bee Friendly Gardeners, Claremont Savings Bank, Crafts Avenue Neighborhood, Goss Logan Insurance, Hato Viejo Coffee, Hypertherm, Lebanon Garden Club, Lebanon Permanent Firefighters Association, Mascoma Bank, Premier Property Services, Rotary Club of Lebanon, Simple Energy, subLyme Payments, The Sherman Family, West Lebanon Feed & Supply, and Woodsville Guaranty Savings Bank, who contributed through monetary donations or by actively participating in the planting and maintenance of these spaces throughout the summer and into the fall; and

WHEREAS, these sponsors have demonstrated a strong commitment to the betterment of our community, making it a more vibrant and attractive place to live, work, and visit.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, acknowledges the invaluable contributions of these sponsors in making our city more beautiful and welcoming, fostering a sense of community pride and togetherness and extend our gratitude and appreciation to all the sponsors.

Dated this 20th day of September 2023.

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Timothy J. McNamara, Mayor
on behalf of the Lebanon City Council

• **RESOLUTION HONORING EV-FRIENDLY EMPLOYERS**

WHEREAS, the Lebanon City Council is committed to promoting sustainable transportation options and reducing or eliminating greenhouse gas emissions; and

WHEREAS, Electric vehicles (EVs) reduce emissions by two-thirds1 compared with gasoline vehicles, even after accounting for emissions created by electricity production, and EVs get cleaner as our electrical grid gets cleaner; and

WHEREAS, EVs save drivers money compared with comparable gas vehicles thanks to greater efficiency, lower fuel costs, and minimal maintenance; and

WHEREAS, The least expensive, safest, and most logical places to charge an EV are at home or at work, where vehicles typically sit for eight or more hours per day; and

WHEREAS, Not everyone can charge at home – especially renters and residents of multi-unit housing – which makes the availability of charging at work even more important; and

WHEREAS, Being an EV-friendly employer can help with recruiting and retaining workers who want to drive EVs; and

WHEREAS,

- Dartmouth Health provides more than 20 EV charge ports for employees at three sites (Dartmouth Hitchcock Medical Center, the Heater Road Clinic, and Alice Peck Day Hospital); and
- Hypertherm Associates provides at least seven charge ports at four of its buildings; and
- Adimab recently installed EV charging for employees; and
- Mascoma Bank offers employees an exceptionally low rate on loans to buy EVs; and
- Local car dealers including Lebanon Ford, Volvo and Volkswagen of Lebanon, and Nissan of Lebanon provide EV charging for use by employees and others; and

WHEREAS, these employers serve as role models for forward-thinking employers throughout the Upper Valley.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon City Council that we, the members of the

Lebanon City Council, express our gratitude to Dartmouth Health, Hypertherm Associates, Mascoma Bank, Adimab, Lebanon Ford, Volvo and Volkswagen of Lebanon, Nissan of Lebanon, and all other employers in Lebanon who make EV charging available to their employees or otherwise facilitate adoption of EVs by employees. We are grateful for their efforts to meet the needs of employees who drive EVs and to create a sustainable and greener future for our City.

ALSO, BE IT RESOLVED that the members of the Lebanon City Council express our gratitude to employers elsewhere in the Upper Valley who may employ Lebanon residents and who make some EV charging or other EV- friendly policies available to employees, including:

– Dartmouth College and Kendal in Hanover, NH;
– In Enfield, N.H. – Montcalm Golf Club in Norwich, Vt
– Solaflect EV and King Arthur Baking Company,in Hartford and White River Junction, Vt.

- The Town of Hartford; Norwich EV; Mascoma Bank; Key Chevrolet of White River; Upper Valley Honda, and All-Star White River at the Gilman Office Center.

LASTLY, BE IT RESOLVED that the members of the Lebanon City Council encourage other employers to take advantage of free assistance for installing workplace EV charging that is available through the federal EMPOWER program (Equitable Mobility Powering Opportunities for Workplace Electrification Readiness) by contacting EMPOWER at www.workplacecharging.com or Jessica.Wilcox@des.nh.gov.

Dated this 20th day of September 2023.

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Timothy J. McNamara, Mayor
on behalf of the Lebanon City Council

6. ACCEPTANCE OF MINUTES: September 6, 2023 (Regular Meeting)
Amendments: Page 23, Line 13 in agenda packet: Change "Mr. Dan Nash" to "Mr. Kevin Purcell"

***Councilor Heistad MOVED* to approve the September 6, 2023 minutes as amended and presented in the July 19, 2023 City Council agenda packet.**
Seconded by Councilor Wilkie..

****The Vote on the Motion was approved (9-0)***

7. APPOINTMENTS: NONE

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

A. Authorization for the City Manager to renew the lease with Federal Aviation Administration for operation of the Airport Control Tower

Included in agenda Packet: ***(Page 27)***

Airport Director Carl Gross reviewed the background to renew the lease with the Federal Aviation Administration.

BACKGROUND:
The Federal Aviation Administration (FAA) entered into a ground lease with the City of Lebanon in 1961 to construct and operate an Air Traffic Control Tower (ATCT) at the Lebanon Municipal Airport. The most recent lease term began on July 1, 1974 and ended on June 30, 1998. The lease provided the option for the FAA to renew to lease on a year-to-year basis provided that the occupancy does not extend beyond June 30, 2023.

The terms of the lease include, but are not limited to:

- The use of the leased property will be for the operation and maintenance of air traffic control facilities.
- The ground lease is for 0.33 acres more or less.
- The allowance for adjustment to the amount of land or facility layout.
- The lease is retroactive to July 1, 2023.
- The term of lease is 20 years (expiring September 30, 2043).
- The lease is a no cost lease for the federal government.

ACTION:
Councilor Whittlesey MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into and execute a lease agreement with the Federal Aviation Administration (Tenant) for approximately 0.33 acres of land at the Lebanon Municipal Airport for the operation of the Airport Control Tower.
Seconded by Councilor Simon.

****The Vote on the Motion was approved (9-0)***

B. Discussion with Jon Livadas (Woolen Mill Housing Project) re: Application of RSA 79-E and Potential for Historic and Affordable Housing Relief

Included in agenda Packet: ***(All supportive documents can be found on Pages 28- 37)***
1. August 21, 2023, Email from Jon Livadas re: 79E Informal Review of Potential Request
2. September 12, 2023, Memo from 106 Associates to the Lebanon Heritage Commission re: Historic Status and Opinion on Secretary's Standards – Lebanon Woolen Mill Complex, 1 Foundry Street
3. City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program Guidelines, as adopted on August 4, 2021

BACKGROUND:
Jon Livadas of LWM Residential, LLC requested time with the City Council to informally review and discuss potential tax relief under the provisions of NH RSA 79-E as it relates to Historic Structure Rehabilitation and Affordable Housing.

City Manager Mulholland wanted the Council to look at the existing policy CC 105, noting that Mr. Livadas Site Plan application has already been approved by the Planning Board, but he will be going back to them with some modifications to his application. Mr. Livadas will be pursuing 79-E, which he has not done yet and will be trying to get some additional information to find out what will be viable.

Mr. Jon Livadas and Mr. Scott Newman came forth and noted that part of what they are trying to understand is the language in the 70F 90 US Legislation about a conditional 4 years for a building that could be listed on the Historic Registry and follows the renovation standards. They have gone through the historic process and we are eligible to be listed (in the National Register of Historic Places), but they are not going to pursue getting this property listed for many reasons. Per Mr. Newman's Memo (dated September 12, 2023, and listed on page 31, Council agenda packet), we will be following the standards accordingly, and are asking for guidance/clarity from Council on the potential for them to get additional years (from the 79-E program).

In response to Mayor McNamara's request for more information, Mr. Scott Newman (Principal of 106 Associates and Historic Preservation Consulted) explained that the Mill is/has been an integral piece of the City's economic and social development since the 1880's until it shut down in the 1960's and further described the property's history noting the building qualifies because it is a late 19th Century Mill development and further explained the Mill's construction, it's engineering heritage and historical assets as follows:

- The Mill's exterior will remain the same. There will be no adjustments to exterior walls outside of some new window penetrations on the south side;
- The oldest piece of building, which is a small single structure at the entryway, is in complete disrepair structurally. The roof is about to cave in; the floor is rotted through with what he calls a garden growing up from below. After consulting the construction team and others, they suggested demolishing this building, but said no because it is the most important part of the building, noting their intent is to celebrate the history of this building.
- The reason for not pursuing historic tax credits is the timing and how long it takes. They have faced 8-month delays just to get an answer on decisions, which usually consisted of more questions. In terms of having an economically viable development it is the length of time it takes. From a financial standpoint (there will be 60 units in the middle) it is a smaller portion of the overall development so the time, cost, and amount of credits they would get ended up not being worth what they were pursuing.
- They will be preserving as much as they can (exterior/interior) and explained how this would be done (i.e., common areas, post & beam construction, brick where possible).

Mr. Livadas noted that the project was set to meet the highest preservation standards, even the tax credit standards. Most of the project was approved but the timing to get those tax credits for a building this big ran out and became untenable.

Council Discussions:

Councilor Heistad spoke about the Knox Woolen Mill in Camden, ME, noting it is a prime example of a mill that has been repurposed into housing. Beautiful job.

In response to Councilor Liot Hill's question regarding who determines the eligibility of property on the National Registry, City Manager Mulholland noted eligibility and listing of a qualified property is determined by the National Park Service and renovations must meet the Secretary of the Interior's Standards for Rehabilitation. ***(See page 35; 5.2; #3, Council agenda packet.)***

Councilor Liot Hill noted this was the first time they have seen a project like this under the 79-E Program and wanted to make sure the Council was setting up a review precedent correctly so others may come forward in the future.

Mayor McNamara questioned if this particular project would qualify under Benefits. (listed on page 35)

- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)

The City Manager said yes.

Councilor Whittlesey's question centered around #3 (page 35 of agenda packet) as follows and requested Mr. Livadas to explain what the makeup of housing they are proposing to build.

- The City Council may, in its discretion, grant up to four (4) additional years of tax relief for the Substantial Rehabilitation of a Qualifying Structure that is listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or is located within and important to a locally designated historic district, provided that the Substantial Rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation. (RSA 79-E:5, III)

Mr. Livadas noted their plan is 100% market rate housing given its location; the overall market; and the financial viability of building housing right now in the Upper Valley. He spoke about a workforce housing project they are doing in Newport, NH, noting that it is more costly to build affordable housing in Lebanon than it is to build market rate housing (i.e., different requirements; standards; different time periods for different developments; workforce issues; cost of construction; interest rate increases). He wanted guidance from the Council regarding what the different hurdles might be that they would have to clear to potentially make sense of affordable housing in their development. We would love to have an affordability component to this, but it is not a viable option right now. What would it take to get certain years (from the 79-E Program) and gave examples. His concern, generally, is the housing crisis. He spoke about the time period in getting a project under control and the costs associated with due diligence/planning and finally getting approval is one year. In Lebanon, land is too costly, and it is too risky to buy land and hope you get the funding to build. Land is in such high demand that one would probably not find a seller who is willing to wait a year for closing. This only heightens the risk of an affordable project.

Mr. Livadas also noted that the market is currently 99.5% leased; rents have risen 30% over the last 5-years (6%/year on average). This is due to no new housing being built, which has resulted in standard macro-economic issues where the demand is greatly outpacing the supply and has resulted in the top of the market being units that should not be at the top of the market. The hospital continues to grow. There are rumors that Dartmouth College will be doubling in size, so this demand issue and this outpacing of demand over supplies is about to potentially get worse and will continue to do so. The reality of everyone's desire to build affordable (housing) he understands, but noted there simply needs to be housing, and market rate housing will hopefully jump start the natural ecosystem life cycle of housing and gave examples. As new housing becomes available, people will have to spend money to renovate apartments/houses.

Mr. Livadas questioned the structure for affordability in the 79-E Program, noting that none of these bans make financial sense and does not pencil in for all the reasons he discussed. Projects are going to stall and their big concern is that they are heading in that same direction (i.e., interest costs, construction costs, etc.) Can we find a different way to approach that affordability chart ***(page 36, agenda packet)*** and make it more financially feasible for developers to include affordability to get these projects going? He felt that the Targeted Area Median Income (AMI) and the percentages under the AMI needs adjustment. He has not analyzed, yet, what the trade-off is in terms of affordability but questioned if there was another way to do this without involving State/Federal agencies and legislation working with the town to earmark certain affordability data.

Mayor McNamara noted the Council does not have a specific request yet; we have a position from a developer who is saying the AMI Chart (page 36) as currently envisioned and adopted by the Council barely two years ago may not be doing anything for the City in the current market and requested the Council have philosophical discussions regarding revising the AMI Chart given the current situation.

The Council discussed the following:

- The length of the abatement in terms of years
- The need to incentivize affordable housing
- The importance of receiving tax revenues (under the 79-E Program)
- Workforce housing challenges in making this more affordable/available to the City
- The numerous public benefits this project would have by adding the additional 4-years of tax related for projects that include affordable housing
- Whether or not to modify the table (page 36)
- Discretionary potential that can be added by the Council to vary the affordability requirements while still balancing the overall benefits to the community vs. the tax revenue the City would be forgoing
- Compared the benefits of this project to the Greenfield project on Mt. Support Road
- Increase in municipal resource costs (i.e., subsidy on the City's tax bill that current homeowners/renters pay for new developments; no break on water/sewer; additional costs to the City for school aged children --+/- 17 at an average of $200K/year/per student as calculated by the Planning Board; the impact fee of $500K this project would have to pay to the City which does not include water/sewer fees
- Reasons why employers in the Upper Valley are having difficulties finding/keeping employees and the unintended effect on these employers so employees can find housing in Lebanon
- The need to take this issue (housing) on and not keep kicking the can down the road
- The potential this project could have in bringing a benefit to the Downtown area of the City (i.e., a building being repurposed vs. a building sitting there in disrepair in perpetuity
- The pros/cons if this project falls through and what the alternatives might be if it does fall through (i.e., the building might sit there for years in an unusable state)
- The need to understand the financial viability of this project
- How the chart (page 36) was developed as just a guide for the Council and the Council has the flexibility/discretion to adjust it as necessary or not even use it if they choose to
- The assets in the City and how we use them. There is a cost in not taking action in doing something with a property. Protecting an asset as well as making available housing for those that need it
- How there is a value to the community to take an asset and turn it into a new/improved asset.
- The advantages of preserving historical property in Lebanon and turning it into additional housing

- How the Council should not miss the conversations about affordability and workforce housing. Can we reinterpret or re-envision the idea of affordability for the benefit of the community that might not be reflected in the cost of rent?

Councilor Liot Hill hoped Mr. Livadas and Mr. Snow were getting the general consensus from the Council at least for the first 11 years for their 79-E application and the openness of the Council to consider a proposal for adding an additional 4-years. Whatever you come forward with has to be palatable. If the chart that the Council has does not work for you, the Council is open to hearing something that does work for you but that needs to be in the spirit of affordability and gave examples. We live in a community where there are a lot of people who cannot afford, and will not be able to afford, to live in these units and we (the Council) have to answer to all our constituents.

Mr. Livadas thanked the Council and noted that in their other projects they have had tenants with vouchers and understand firsthand what affordability means for this area and the struggles for people who want to stay in the area. When he does put something together he will be thinking about the spirit of affordability. He spoke about tax bases and the increased tax bases, noting these will not go up if this project does not get built. When you build an all affordable building, there is legislation that allows you to get your tax increase limited and spoke about theoretical housing developments like Spencer Street. Just as a general informational note: flexibility with this (AMI) will bring a lot more people to the table to build and focus on affordable housing.

Allan Reetz: (Works in Public and Government Affairs for the Hanover Coop Food Stores): He spoke about the benefits of having bicycle and E-bike infrastructure and gave examples, noting this is an amenity that is often overlooked.

ACTION: ***No action is required by the Council. Item is for informational purposes only***.

C. Review and approval of RFP for development of 20 Spencer Street, Lebanon for Workforce Housing Units

Included in Council agenda Packet: ***(All supportive documents, maps, images and additional information can be found on Pages 38- 53)***

1. DRAFT City of Lebanon Request for Proposals for 20 Spencer Street, Lebanon, NH
2. DRAFT City of Lebanon Request for Proposals for 20 Spencer Street, Lebanon, NH Selection Process and Criteria
3. NH RSA Chapter 75 Appraisal of Taxable Property, Section 75:1-a

BACKGROUND:

In 2016 the City initiated the Downtown Visioning Study which included the former DPW facility located at 20 Spencer Street, approximately 1.92 acres of land. This location was selected as one of the areas to be redeveloped as part of the visioning study. The property is located within the Downtown Tax Increment Finance District. The City Council requested the EDC and the Downtown TIF Advisory Board to develop and RFP to redevelop the property.

The City issued an RFP for the redevelopment in August of 2019. Two proposals were submitted one of which was from the Braverman Company, LLC. The proposal involved the construction of a multifamily apartment building with as many as 94 units. Forty-five of those units were proposed to be workforce housing (80-100% AMI). The units would be a combination of 1 & 2 bedrooms. The Braverman Company proposed to purchase the property for $1.5 million.

The former DPW structures on the property were demolished by the City in 2021. A number of environmental issues remained on the site including previously undetected quantities of PCBs. The PCB contaminated soil was removed and transferred to an appropriate disposal site out of state. The site soils still contain levels of Arsenic higher than what is permitted by state standards. However, this only applies to drinking water. The site is served by City water and sewer. There is nothing from the environmental perspective that prohibits development of the site at this point. The total cost of demolition and site cleanup was just under $1 million.

The Braverman Company withdrew from the project in January of 2023. Ken Braverman, the company principal felt that the economics were not feasible for the project at this time. The cost of capital, construction, and the shortage of construction labor resulted in his decision to withdraw from the partnership with the City.

On June 7, 2023, the City Council requested the EDC and the Downtown TIF Advisory Board to make recommendations as to what the next steps should be to redevelop the property. The Council suggested the EDC & TIF Advisory Board incorporate the Council's Strategic Objectives, Priorities and Strategic Plans into their discussion and review of 20 Spencer Street and the back parking lots, along with looking into what non-profit organizations can bring to the table and how this would potentially affect City property taxes.

The EDC and TIF Advisory Board held meetings to discuss recommendations. On July 27, 2023 the EDC voted the following:

> ***Motion by Mr. Brown that the Economic Development Committee recommends that the City Council approve the RFP developed by the Economic Development Committee to go out in September and come back within approximately 120 days, while also pursuing a parallel track to solicit proposals from the non-profit housing community.***
>
> ***Seconded by Mr. Purcell.***
>
> **** The Vote on the MOTION was approved by the EDC (5-0-0)***

The TIF Advisory Board did not have a quorum of its members to act on the proposal.

On September 6, 2023 the City Council received the recommendation of the EDC. After much discussion the Council took the following action;

> **Assistant Mayor Below MOVED, *that the Lebanon City Council authorizes the City Manager to work with non-profit housing organizations to develop proposals for workforce housing to be considered by the City Council.***
>
> ***Seconded by Councilor Sykes***
>
> **** The Vote on the revised Motion was approved (9-0).***

The City Manager has modified the RFP to solicit for profit and non-profit entities to submit proposals for a workforce housing development on the property. He is requesting the Council to review the RFP

(pages 40 -50, Council agenda packet) to ensure it elicits the information necessary to allow the Council to make a determination to move forward with a development project on the property.

City Manager Shaun Mulholland noted the goal is to elicit all the comments City Councilors may have so that when proposals do come in, they have answered all the questions that the Council can foresee at this particular time.

Council Discussions:

Mayor McNamara would like to see: 1. What segment of the population are the developers proposing to address? (i.e., what percent of AMI will they be using, if any; how are their proposals going to be subsidized) 2. What are the anticipated property tax revenues that will be under their development scenario, because this does vary between projects? City Manager Mulholland noted the PA67 form is the form that will give you that information.

Councilor Liot Hill was interested in the possibility of home ownership opportunities and explained her reasons, noting that building equity is a way to build wealth and renting is not putting anyone in a position to build wealth and referenced page 43 in agenda packet, asking other Councilors to give their feedback on whether or not the language should be enhanced in the RFP:

1) Land Uses: The City is interested in the following land uses for the site: a) Residential uses may be ownership or rental housing. The City's goal is that all units would meet the standards for workforce housing.

Councilor Heistad spoke about the young people growing up in Lebanon who do not understand that ownership is a way of moving upward. We (the City) need to have a mechanism for them to do this.

Councilor Whittlesey spoke about his reasons why he felt home ownership is now generational wealth (i.e., building wealth for children or grandchildren). If we do this, it is probably not going to result in a whole lot of wealth for an individual person, but on the flip side, for rental residents as time goes on, they will get squeezed out unless they do have home ownership in a property.

Councilor Liot Hill noted we are now making a policy decision on this project (20 Spencer Street) and the Council decided that they were not interested in market-rate housing for this, which means the City will be subsidizing this housing in one way or another. What we are trying to do with this property is to serve low-income people, some of which are low-income families. This is a potential opportunity for us to build a pathway for people to build their way out of poverty and explained her reasons. If we are going to invest tax payer dollars into this project, do we really want to favor rental proposals or do we want to potentially favor some ownership opportunities that will have a more long-term impact?

Councilor Whittlesey spoke about other subsidies (i.e., non-city tax credits, grants and other subsidies).

Councilor Below noted this project is less than a 2-acre site and spoke about what Mr. Braverman had proposed for the site before he pulled out. Home ownership is unlikely to be a realistic opportunity at this point in time, but even if it was, we are already facing the fact that the City will be contributing to developed workforce housing in perpetuity. We should be looking for opportunities to help people build generational wealth, but the level of demand is so high that he thought the highest and best use of this property (20 Spencer St.) is long-term rental opportunities. He also addressed people who have Section 8 housing vouchers (some who are in the workforce) and how they cannot use these vouchers because there are very few properties that meet the criteria. He also spoke about the RFP as presented in the agenda packet and right now it is written that proposals will be evaluated by the EDC (Economic Development Commission) and the Downtown TIF Advisory Board and was uncertain if this still makes sense.

City Manager Mulholland had the Lebanon Housing Authority review this (RFP) so there may be additional things the Council asks for before they submit a proposal. They did feel comfortable about complying with this RFP. Twin Pines Housing may also be submitting a proposal. In terms of the TIF, this would have an impact on their revenues, and we will have them review 79-E's before they come to the Council. It makes sense to him to have the EDC-TIF review the submissions and vet them before they come back to the Council, but if the Council wants to remove them, this can be done.

Councilor Sykes spoke about workforce housing and while he likes the idea of home ownership opportunities, the need for housing is now and the time it would take us to come to a really good way of doing this is more than what he thought could be invested in for this particular project. He would be interested in hearing about what legislation/city ordinance can be changed to provide mechanisms for people to buy their apartments in existing buildings. He does not want to confuse this project with home ownership because this project is a rare opportunity for the Council to actually move on truly workforce/low-income housing in the City.

Mr. Bill Dunn (Chair of the EDC) pointed out: 1. The concept of building/development for the Mill does create a relief on everything else and explained his reasons. 2. He cautioned that when you create a new development that is specifically designed for a certain income level, with all sorts of constraints, what you are creating is what he calls a forever building. It is something that will remain forever in that use in perpetuity and explained his reasons.

Councilor Whittlesey also spoke about his reasons why he felt the Council could skip the EDC/TIF piece in the RFP for this project. Given the way that the selection criteria is laid out, he suggested he would like to reduce the development vision from 40% to 35% (page 49, agenda packet,) and increase others to 15% (page 50, agenda packet), noting specifically the 3rd bullet point because it speaks to what we are trying to accomplish.

Councilor Wilkie concurred with Councilor Whittlesey and felt the Council should have home ownership discussions. As far as EDC/TIF involvement on this project, he felt if they want to remain involved in providing recommendations, this should be fine.

Mayor McNamara asked the Council if they had any consensus on if the project should be reviewed by the EDC/TIF or whether it just comes directly to the Council, noting this would change things substantially with regard to the way these proposals are reviewed and how this RFP goes out.

Assistant Mayor Below would be ok having representatives from the Council do this. Another option is to make it a little more flexible and say: A Review Committee, consisting of a group of volunteers representatives that may come from the City Council, the EDC, the Downtown TIF Advisory Board that would get together to review proposal(s) and then bring directly to the Council. Or, the City Administration may need to work on a proposal that comes in, noting this is a different process than what the Council envisioned before because we will be choosing between different types of proposals.

Councilor Simon noted the biggest deciding factor of this project's RFP is time.

Councilor Liot Hill spoke about her reasons why she felt the Council should act as a review committee for proposals (on this project).

Councilor Whittlesey again spoke about the changes he would like to see in the RFP which includes:

- Reducing Development Vision: from 40% to ~~35%~~ **30%** (page 49, agenda packet). Assistant Mayor Below and Councilor Liot Hill suggested changing this to 30%, and Other from 10% to 20% (page 50)
- Financial would remain at 30% (page 50, agenda packet)
- Other (page 50, agenda packet): Change from 10% to 20%.

ACTION: ***No action was taken by the Council.***

D. Vote to Make Public Previously Sealed Non-Public Session Minutes of the City Council

Included in agenda Packet: ***(Supportive document can be found on Pages 54-57)***

1. Chapter 189 HB 321-FN-LOCAL (Final Version) – Approved: August 4, 2023; Effective Date: October 3, 2023

Mayor McNamara reviewed the background behind the legislation driving this review by the Council.

City Manager Mulholland spoke about the confusion over this legislation noting that all the Sealed Non-Public Session Minutes from the City Council will be reviewed and cleaned up and then given to the Council in batches. Once we are back on track, Sealed Minutes will be reviewed annually and again at the 10-year mark. This will exceed the spirit of the law and allow for the transparency requirements. Tonight, the batch includes the years from 1979-1984, noting this is what City Management could find and was uncertain if there any Sealed Non-Public Session Minutes that precede the year 1979. There were some Sealed Non-Public Session Minutes that were not included in the list below because they dealt with the reputation of someone, etc. and should remain sealed.

Assistant Mayor Below questioned if the Council needed to take a vote on any sealed minutes that need to remain sealed. City Manager Mulholland noted that some sealed minutes will require more analysis and time and may require a legal review in some cases, but the batch list below includes the minutes that are the easiest to unseal.

BACKGROUND:

House Bill 321 was approved by the legislature on August 4, 2023, and becomes effective on October 3, 2023. This legislation establishes a timeframe for the release of previously sealed, non-public minutes for all municipalities in the State.

While adequate time has been provided by the State to address the issue, City Administration has made the choice to begin the process now and will be working over the next several months to cull through previously sealed, non-public minutes to determine their continued sensitivity in relation to the protected categories outlined in RSA 91-A. A list of minutes that are determined to be available for release will be provided to the Council for a vote to release to the public.

Below is the list we have reviewed to date, along with the protected category under which they are classified:

91-A:3.II(e) – Pending Claims or Litigation

Monday, April 16, 1979	Wednesday, January 19, 1983
Wednesday, June 6, 1979	Wednesday, February 2, 1983
Wednesday, August 1, 1979	Wednesday, March 16, 1983
Monday, August 27, 1979	Wednesday, May 4, 1983
Wednesday, September 19, 1979	Wednesday, July 20, 1983
Wednesday, December 19, 1979	Wednesday, November 16, 1983
Wednesday, April 29, 1981	Tuesday, March 6, 1984
Wednesday, April 15, 1981	Wednesday, May 2, 1984
Wednesday, May 20, 1981	Wednesday, January 20, 1988
Wednesday, July 1, 1981	Friday, February 12, 1988
Wednesday, October 6, 1982	

91-A:3.II(l) – Consideration of Legal Advice
Wednesday, January 20, 1988

91-A:3.II(d) – Acquisition, Sale, or Lease of Property

Wednesday, December 17, 1980	Tuesday, March 3, 1981
Wednesday, June 3, 1981	Tuesday, February 14, 1984
Wednesday, May 16, 1984	

ACTION:
Councilor Liot Hill MOVED, *that the Lebanon City Council hereby unseals and makes available to the public all City Council non-public session minutes as listed and provided in the September 20, 2023 City Council Agenda Packet.*
Seconded by Councilor Whittlesey.

****The Vote on the Motion was approved (9-0).***

11. City Manager Report:
City Manager Shaun Mulholland updated the Council on the following:

- Councilor Simon was notified by a constituent that the left turn lane letters at the sections of Seminary Hill, South Main Street, Main Street, Maple Street have the "N" backwards.
- Miracle Mile: Will be worked on next year.
- USDA Forestry Grant: This was a grant submitted by the Tree Advisory Board and has been approved. There is a 50/50 match and will deal with trees along urban heat zones.

- EV Grant: Has been put together and will deal with EV Charging Stations. 50/50 match
- FEMA Funding for the City after the flooding/storms this summer: Grafton County does not qualify for funding, so any damage in Lebanon will need to be covered by the City.
- Route 12A Bridge & Main Street Improvements: Will have impact on some businesses.
- Hiring a Traffic Czar to manage roadway projects.
- Community Conversation dates: Sept 26th and October 24th
- Fire Station Presentation will take place on September 27th at a Special Meeting.
- Child Care Learning Center will be presented at the October 4, 2023 Council Meeting

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

- EV Friendly Expo, Saturday, September 30, 2023, 8:00 AM – 3:00 PM. LEAC will be the lead sponsor.
- There was an article in the Boston Globe praising Lebanon, NH's pollinator gardens.

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.
Seconded by Councilor Heistad.
****The Vote on the MOTION was unanimously approved (9-0)***

The meeting was adjourned at 9:20 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary